



Summaries of Published Opinions: The Nevada Supreme Court and Nevada Court of Appeals

The following summaries include, in bold, a case citation along with the primary areas of practice and/or subject matter addressed in the decisions. In addition, each summary identifies significant new rules of law or issues of first impression decided by Nevada’s appellate courts.

These summaries are prepared by the state bar’s Appellate Litigation Section as an informational service only and should not be relied upon as an official record of action. While not all aspects of a decision can be included in these brief summaries, we hope that readers will find this information useful, and we encourage you to review full copies of the Advance Opinions, which are located on the Nevada Supreme Court’s website at: https://nvcourts.gov/Supreme/Decisions/Advance_Opinions/.

***Conrad v. Reno Police Dep’t*, 139 Nev., Adv. Op. 14 (June 15, 2023) (en banc) – Public records; body-camera footage.**

The government may not avoid a lawful public records request under the Nevada Public Records Act by providing a blanket statement as to why the record should not be disclosed. The district court abused its discretion by relying on generalized assertions about the effect of disclosing a full investigative report. However, the district court correctly determined that a police officer’s face as it appears in body-worn camera footage is confidential under NRS 289.025(1).

***Fed. Hous. Fin. Agency v. Saticoy Bay LLC*, 139 Nev., Adv. Op. 15 (July 6, 2023) (en banc) – Certified question; jurisdiction.**

A court does not obtain jurisdiction over a series LLC created pursuant to NRS 86.296 if only the master LLC is named as a party. Instead, provided the series LLC has observed the corporate formalities in NRS 86.296(3), the individual series LLC must be sued in its own name in order for a court to obtain jurisdiction over it.

***In re Parental Rights as to G.R.S.*, 139 Nev., Adv. Op. 16 (July 6, 2023) – Family law; termination of parental rights.**

In termination of parental rights cases, a parent’s substance abuse cannot, of itself, justify termination. Instead, there

must be evidence that the substance abuse seriously and consistently prevents the parent from providing the child with proper care, guidance, and support. No legal authority prevents a court from continuing a termination proceeding when more time might allow the parent to make changes that would result in reunification.

***In re Guardianship of Jones*, 139 Nev., Adv. Op. 17 (July 6, 2023) – Guardianship; standing; due process.**

A protected person has standing to challenge on appeal both the removal of a guardian and the appointment of a successor guardian. Under NRS 159.187 and NRS 159.1871, a district court has authority to remove a guardian and to appoint a successor guardian without filing a formal, written petition, but the protected person is entitled to due process: prior notice and an opportunity to be heard. Further, a protected person is not required to file a petition to restrict their own communication, visitation, and personal relationships, as NRS 159.332-.333 provides that only a guardian needs to petition for such an order.

***Monk v. Ching, M.D.*, 139 Nev., Adv. Op. 18 (July 6, 2023) – Professional negligence; affidavits of merit.**

The court upheld the partial dismissal of appellant’s professional negligence action because the nurse’s declaration

submitted in support of the complaint did not adequately identify the roles played by each individual medical provider, did not identify the relevant standards of care, and did not state how or whether each respondent breached that standard of care, all of which defeated the court’s ability to measure whether the nurse had substantially similar expertise to provide the NRS 41A.071 affidavit. The court further clarified that the rebuttable presumption of negligence in NRS 41A.100(1)(a) does not apply when a foreign object is left in the body during a procedure other than surgery.

***Providence Corp. Dev. v. Buma*, 139 Nev., Adv. Op. 19 (July 13, 2023) – Labor & Employment; workers compensation.**

Nevada’s workers’ compensation statutes contain a “traveling employee rule” (NRS 616B.612(3)). There is no requirement that an employee’s activities be foreseeable to recover workers’ compensation benefits. The employee need not demonstrate that their employer should have foreseen that the employee would engage in the specific activity that caused the employee’s injury.